

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD THAYNE MUTSCHLER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

C16-281 TSZ  
(related to CR14-328 TSZ)

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed the Government's status report, docket no. 7, indicating that petitioner has voluntarily dismissed his direct appeal, and having reviewed the order and mandate issued by the United States Court of Appeals for the Ninth Circuit, docket no. 77 in CR14-328 TSZ, the Court hereby LIFTS the stay of this matter.

(2) Within thirty-five (35) days of the date of this Minute Order, the United States shall file and serve an Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States District Courts. As part of such Answer, the United States should state its position as to whether an evidentiary hearing is necessary.

(3) The United States shall note its Answer for consideration on the fourth Friday after it is filed. Petitioner may file and serve a response not later than the Monday immediately preceding the Friday on which the Answer is noted. The United States may file and serve a reply brief by the noting date of the Answer.

(4) If no Answer is timely filed, the Court will deem petitioner's motion pursuant to 28 U.S.C. § 2255, docket no. 1, ready for consideration on March 24, 2017.

1 (5) The Clerk is DIRECTED to note petitioner's § 2255 motion, docket no. 1,  
2 for March 24, 2017, and to send a copy of this Minute Order to all counsel of record and  
to petitioner pro se.

3 Dated this 16th day of February, 2017.

4 William M. McCool  
5 Clerk

6 s/Karen Dews  
7 Deputy Clerk  
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